

CITY COUNCIL
City of Augusta, Maine

Date: August 4, 1997

TITLE: Ordinance -- Land Use Amendment

~~ORDERED, That~~ BE IT ORDAINED, By the City Council of the City of Augusta that Appendix A of the Revised Code of Ordinances, as amended, (Land Use Ordinance, City of Augusta) be further amended as follows:

That portions of lots 29, 31 and 31-B be rezoned from RA, low density residential district, to CC, Regional Business District, as shown on the attached map attached to Mr. Charles Shuman's letter dated August 18, 1997.

(This request by Charles Shuman to utilize additional land area associated with the former McFarland Datsun dealership was heard by the Augusta Planning Board on July 8th and 22nd. As a result of testimony - see attached correspondence - the Board voted 4 to 2 to recommend the rezoning of Mr. Shuman's modified request.)

272
Introduced By

Dumont Pomerleau
Moved By Seconded By

Passed August 18, 1997

CITY COUNCIL

City of Augusta, Maine

1		
*Bumey		
2		
*Dumont		
3		
*Nye		
4		
Mayor		
T		

Title Ordinance - Land
Use Amendment
 August 4, 19 97
 Read and Passed
 Tabled until next
See also Council mtg
of 8/18/1997
 Moved By Bumey Years 84
 Seconded By August Nays 2

1		
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Mayor		
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1		
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*Nye		
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Mayor		
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Yea Nay

Yea Nay

Yea Nay

August 18, 1997
 Moved by: Dowling
 Sec. by: Dumont

Remove Order from the
 Table

Attest: David Cadeaux
 Acting City Clerk

1		
*Bumey		
2		
*Dumont		
3		
*Nye		
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Mayor		
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SECOND READING
 August 18, 19 97
 Read and Passed
Time Reading
no amendment
 Moved By Dumont Years 7
 Seconded By Dumont Nays —

1		
*Bumey		
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Mayor		
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August 18, 1997
 Moved by: Nye
 Sec. by: Pomerleau

Amendment
 attached to Mr. Charles
 Shuman's letter dated
 August 18, 1997.

Attest: David Cadeaux
 Acting City Clerk

ATTEST:

David Cadeaux
 CITY CLERK

*Council At-Large

DYER AND GOODALL

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Augusta, Maine 04330

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James D. Bivins

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(207) 622-4417

August 18, 1997

Mr. Terrence St. Peter
City Manager
16 Cony Street
Augusta, Maine 04330

Dear Mr. St. Peter:

We, the undersigned Charles Shuman and Nancy B. Shuman, for good and valuable consideration do hereby agree to give to the City of Augusta a permanent, non-amendable, conservation easement on the property owned by us as described in a warranty deed to us from Fred McFarland, et al. recorded in the Kennebec County Registry of Deeds in Book 5370, Page 336. Said property being that portion of the property in the above referred to deed which is not currently or in the immediate future zoned commercial except for a portion of said property being deeded to Lovaglio and two parcels on which are located residential structures.

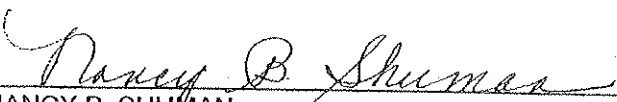
The above referred to conservation easement shall contain certain provisions that the property be left in its current state of trees and shrubs to create a permanent buffer between the residential and commercial zones for the passive enjoyment of the residents of Smith and Brann Streets. Said easement shall also contain a limited right of way access to the property over other land of ours for the purposes of any required maintenance and a pedestrian right of way will be granted over said property to the property owned by us between the three easement parcels.

Lastly, the easement will contain a provision that no development whatsoever including, but not limited to, structures or parking lots of any kind whether of residential or commercial nature will be permitted in the area where the conservation easement is to be granted.

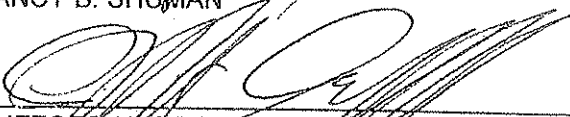
In addition to the above, we agree to sell a parcel roughly 45 x 100 feet to a party named Lovaglio. Our attorney will work with the City's Corporation Counsel to draft and come up with the final documents to effectuate this letter.

Yours truly,

CHARLES SHUMAN



NANCY B. SHUMAN



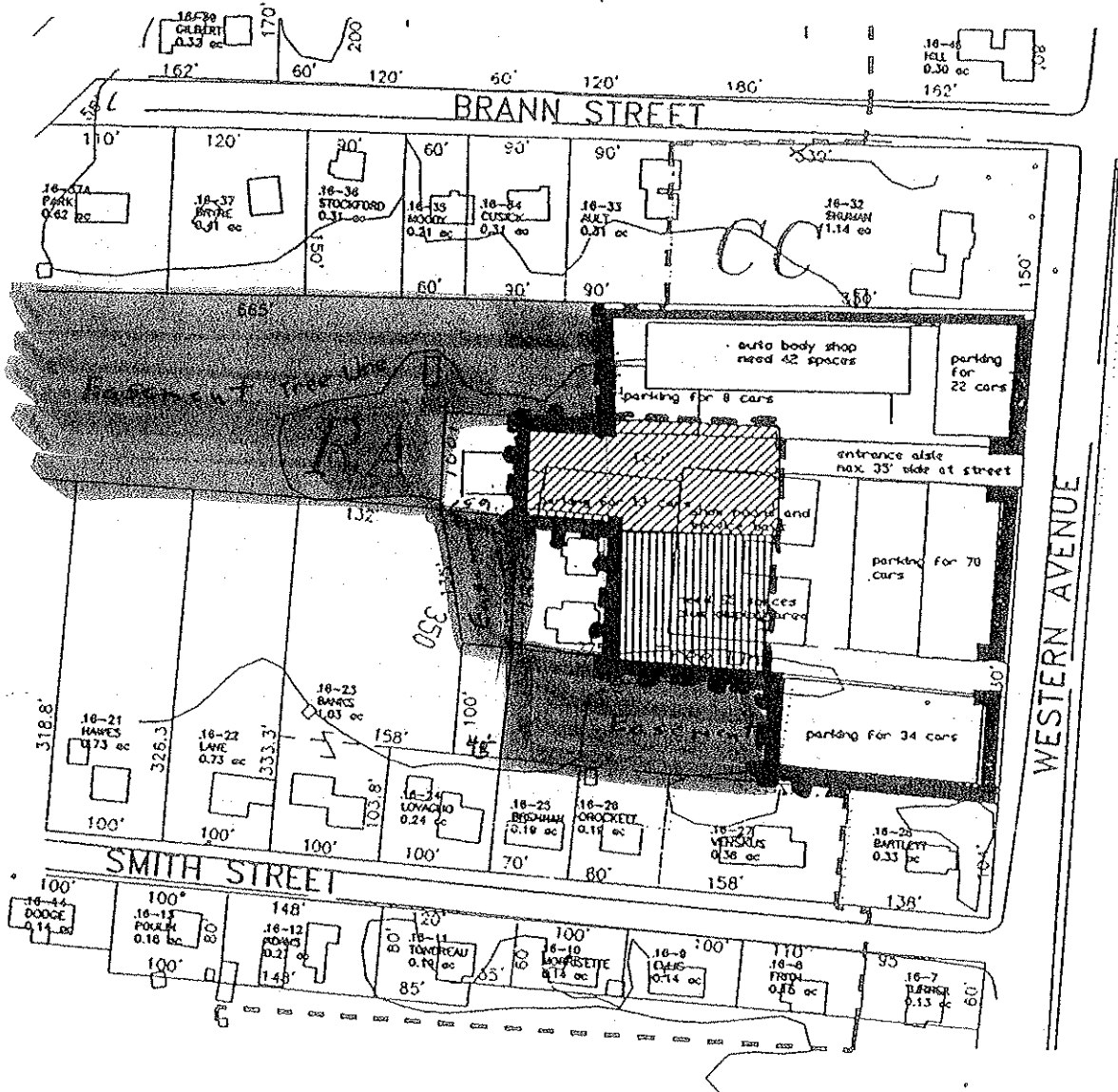
CLIFFORD H. GOODALL, ESQUIRE
Attorney for Charles and Nancy B. Shuman

and Conservation Easement

Hatched area currently RA - requested (and Recommended) to change to CC

West line - zone line distance from Cusick = 100'
 East line - zone line distance from Brennan = 220'
 East line - zone line distance from Crockett = 85'

--- Existing zone line
 --- Proposed zone line
 [Hatched] Required buffers



EASEMENT AREA IN GREEN

PARCEL SOLD TO LOVAGLIO IN YELLOW